

Natural Resources and Transportation Committee

Senator John Nelson, Chairman



Tony DeMarco, Research Analyst

Fareed Bailey, Assistant Analyst

Helen Santilli, Intern

NATURAL RESOURCES AND TRANSPORTATION COMMITTEE

LEGISLATION ENACTED

technical correction; technical registration board (NOW: lakes; non-motorized watercraft; rulemaking; exemption) (S.B. 1012) – Chapter 122 E

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

character education special plate fund (S.B. 1053) – Chapter 320

SEE THE EDUCATION COMMITTEE.

approaching stationary vehicles; yield right-of-way (S.B. 1133) – Chapter 131

Requires a driver to implement the same driving procedures that exist for approaching authorized emergency vehicles when approaching any stationary vehicle that displays flashing lights or warning lights. The driver must proceed with due caution and make a lane change if safe.

motor vehicle safety monitoring equipment (S.B. 1147) – Chapter 64

Exempts safety monitoring and driver feedback equipment that is mounted on the windshield around the rearview mirror area of a motor vehicle from existing window and windshield equipment restrictions.

cotton council; employee benefits (S.B. 1154) – Chapter 44

Modifies statutory requirements relating to Arizona Cotton Research and Protection Council (Council) staff, administrative services and employee benefits. The Council will determine all rates and forms of compensation for its employees, and Council employees are no longer exempt from participation in the Arizona State Retirement System and the state's healthcare benefits program.

structural pest management; regulation (S.B. 1194) – Chapter 20

Transfers the administrative supervision of the Office of Pest Management (OPM) to the Director of the Arizona Department of Agriculture (ADA) through December 31, 2013, and causes the relocation of OPM offices to those facilities provided by the ADA. Establishes a nine-member task force to study the Arizona structural pest management industry and report findings and recommendations by December 15, 2012.

trust lands; long-term leases; default (S.B. 1228) – Chapter 68

Establishes a new cancellation procedure for long-term lease defaults of state trust lands that is modeled after the Arizona State Land Department's cancellation procedures for defaults of land sales. Allows the Land Commissioner to extend the time for delinquent payments up to five years before cancellation of the long-term lease occurs.

recreational users; landowner liability (S.B. 1229) – Chapter 123

Modifies the educational and recreational immunity statute to specify that a landowner is not liable to a recreational user who engages in off-highway vehicle, off-road recreational motor vehicle, all terrain vehicle, aircraft operation and other outdoor recreational activities on their premises. Specifies that purchase of a Land Department recreational permit or an off-highway vehicle decal does not constitute an admission fee for recreational immunity purposes.

motor vehicle dealers; franchises (S.B. 1241) – Chapter 100

Makes various changes to Arizona's motor vehicle franchise laws. For new vehicles only, the bill includes the following provisions: a) requires a franchisor (vehicle manufacturer) to compensate a franchisee (vehicle dealer) when the franchisor terminates an agreement under specified conditions; b) codifies the right of a designated family member to succeed ownership of a franchise and prescribes the franchisor's procedure for refusal; c) with exceptions, prohibits a franchisor or a franchisor's representative from coercing the franchisee to construct or make substantial alterations to facilities or enter into property use, site control or exclusivity agreements; d) reduces timeframes that a manufacturer can audit a dealer for paid claims or charge-backs for warranty parts or service and for consumer or dealer incentives; and e) prohibits a manufacturer from taking certain actions on the dealer if the vehicle is exported to a foreign country unknowingly. For used vehicles, the bill exempts a dealer from any duty to inspect the vehicle for defects or damage prior to sale so long as the vehicle is either sold to another dealer or sold solely for the purpose of having it dismantled or destroyed.

vehicle liens; titles (S.B. 1261) – Chapter 101 E

An emergency measure, effective April 13, 2011, that specifies 30 business days as the timeframe for the Arizona Department of Transportation's Motor Vehicle Division to process a lien record on a vehicle's title. Retroactive to January 1, 2011, provides that the failure to perfect the lien within 30 business days will not result in the loss of the vehicle for either the lienholder or the person who purchased the vehicle.

Arizona centennial special plates (S.B. 1262) – Chapter 323 W/O

Creates the Arizona Centennial special license plate and its respective fund. In FY 2012, the Director of the Arizona Department of Transportation (ADOT Director) will allocate fund monies to the Office of Tourism to pay for Arizona centennial projects and events. In FY 2013 and thereafter, the ADOT Director will allocate fund monies to the Arizona Historical Society to pay for Centennial Museum maintenance and operational costs. The bill also modifies the proceeds distribution for the *In God We Trust* special plate.

veterinarian board (S.B. 1269) – Chapter 209

Modifies the membership of the Arizona State Veterinary Medical Examining Board (Board) and its investigative committees. Among those changes, requires one of the public members serving on the Board to be a Certified Veterinary Technician and reduces, from five years to four years, the term of service for all Board members. Adds a definition for *veterinarian client patient relationship* and designates performing certain veterinary practices without a valid *veterinarian client patient relationship* as unprofessional or dishonorable conduct.

technical correction; publication of notice (NOW: Arizona department of transportation; omnibus) (S.B. 1270) – Chapter 190

Makes various changes to state transportation statutes. Among its provisions, the bill: a) allows the Director of the Arizona Department of Transportation (ADOT Director) to obtain criminal record and credit checks for prospective employees and transfers within ADOT; b) coordinates motor vehicle dealer licensing between ADOT and the Arizona Department of Financial Institutions (DFI) by conforming DFI dealer dates with ADOT's staggered licensing schedule; c) eliminates obsolete statutes from Title 28 relating to vehicle safety equipment and conforms other equipment statutes with federal safety standards; d) effective January 1, 2012, allows ADOT to contract with third party electronic service partners for information technology and other electronic services; e) broadens the scope of ADOT's logo sign program to include state highways and urban areas; and f) makes changes to public-private partnership statutes.

vehicle emissions testing; older vehicles (S.B. 1324) – Chapter 163

Subject to U.S. Environmental Protection Agency approval, exempts 1974 model year and older vehicles from applicable emissions testing requirements in Area A and Area B.

hunting within city limits (S.B. 1334) – Chapter 349

Prohibits a political subdivision from enacting an ordinance, rule or regulation that limits the lawful take of wildlife during an open season unless it is consistent with the state's hunting laws and regulations. A political subdivision may adopt an ordinance or rule that prohibits or otherwise restricts the discharge of firearms within one-quarter mile of an occupied structure.

special license plates (S.B. 1402) – Chapter 324

Creates the following special license plates: Arizona Professional Hockey Club; Arizona Public Broadcast Television; Childhood Cancer Research; Global Graduate Management School; Hunger Relief; Law Enforcement; Litter Prevention and Cleanup; Multiple Sclerosis Awareness; and Youth Development Organization. The bill also creates the Don't Tread on Me special plate and establishes a 13-member Arizona Tea Party Committee to distribute plate proceeds in the form of grants.

authorized third parties; ADOT (S.B. 1589) – Chapter 275

SEE THE APPROPRIATIONS COMMITTEE.

cities; counties; regulatory review (S.B. 1598) – Chapter 312

SEE THE GOVERNMENT REFORM COMMITTEE.

environment; 2011-2012; budget reconciliation (NOW: budget reconciliation; environment; 2011-2012) (S.B. 1624) – Chapter 36

SEE THE APPROPRIATIONS COMMITTEE.

department of agriculture; continuation (H.B. 2076) – Chapter 12

Retroactive to July 1, 2011, the Arizona Department of Agriculture is continued until July 1, 2021.

~~technical correction; air pollution; orders~~ (NOW: agriculture best management practices; rules) (H.B. 2208) – Chapter 214

Authorizes the Arizona Department of Environmental Quality (ADEQ) to issue a dust action general permit that outlines best management practices designed to control dust in the PM-10 nonattainment area of Maricopa County on days that are forecasted to be high risk for dust generation. Requires ADEQ to develop and disseminate five-day dust forecasts to alert dust-generating sources of high risk days. Exempts sources that are currently permitted by the county from requirements of obtaining a general permit. The bill also modifies the statutory authority of the Agricultural Best Management Practices Committee to include additional requirements in rules that control dust in areas of PM-10 nonattainment and exempts those rules from the state's rulemaking requirements.

safety standards; light rail systems (H.B. 2209) – Chapter 88

Reduces the county population requirement, from more than 1,500,000 to more than 500,000, for which the Arizona Department of Transportation is required to adopt and enforce minimum light rail and street car system safety standards. The provisions enable counties that meet the population threshold to establish light rail transit systems.

state parks board; membership (H.B. 2239) – Chapter 216

Specifies that one member of the Arizona State Parks Board (Board) must be professionally engaged in the tourism industry. Reduces, from at least two to at least one, the number of livestock industry representatives on the Board.

~~education; meetings; technical correction~~ (NOW: ADOT; emergency vehicle access plan) (H.B. 2246) – Chapter 280

Requires the Director of the Arizona Department of Transportation to adopt safety and mobility standards and specifications for state highway work zones.

fertilizers; labeling; inspections; fund (H.B. 2276) – Chapter 37

Requires the Arizona Department of Agriculture to forward the results of noncompliant fertilizer samples to applicable parties within 30 days after the sample is taken.

commodity marketing orders and agreements (H.B. 2310) – Chapter 77

Updates statutes pertaining to marketing orders and marketing agreements of citrus, fruit and vegetable products in the state. Among its provisions, the bill: a) adds audit and inspection records of an affected person (producers and shippers) to the list of items that are not public record, with exceptions; b) transfers a marketing commission's or committee's property to the Arizona Department of Agriculture (ADA) upon termination of an agreement or order; and c) permanently exempts the rules adopted by a marketing commission or committee from the state's administrative

procedures on rulemaking. For marketing agreements only, allows an agreement to extend beyond three terms but requires the ADA to conduct a public meeting.

structural pest management; regulation. (NOW: agricultural trust funds) (H.B. 2312) – Chapter 281

Through December 31, 2012, converts existing agriculture-related funds to trust funds, and creates the Iceberg Lettuce Trust Fund and the Arizona Citrus Trust Fund. Effective January 1, 2013, removes the trust language for these funds in statute and restores statutory provisions that existed prior to enactment.

lake improvement; boating safety; funds. (NOW: boating safety; fees; fund) (H.B. 2314) – Chapter 333

SEE THE APPROPRIATIONS COMMITTEE.

regional and public transportation authorities (H.B. 2318) – Chapter 259

Allows a regional transportation authority to be established in any county with a population of 400,000 or less. Permits community college districts and Indian nations to join an intergovernmental public transportation authority through an intergovernmental agreement.

primitive roads; county maintenance (H.B. 2319) – Chapter 127

Effective October 1, 2011, allows a county board of supervisors to spend public monies on the maintenance of primitive roads that were opened after June 13, 1975 and meet other specified criteria.

wildlife; guides; wasted meat (H.B. 2358) – Chapter 282

Expands the definition of *guide* in the Game and Fish statutes to mean a person who does any of the following: a) advertises for guiding services; b) holds himself or herself out to the public for hire as a guide; c) is employed by a commercial enterprise as a guide; or d) accepts market value compensation for guiding services in exchange for assisting someone in hunting activities. Adds acting as a guide without a license and wasting edible portions of meat to the current list of prohibited acts that may result in the revocation or suspension of a hunting or fishing license. Specifies what constitutes edible portions of game meat.

transportation contracts; indemnity agreements; void (H.B. 2359) – Chapter 54

SEE THE COMMERCE AND ENERGY COMMITTEE.

game and fish appointment board (H.B. 2360) – Chapter 111

Modifies the statutory qualifications of one member serving on the Arizona Game and Fish Commission Appointment Recommendation Board to clarify that the member must represent a nonprofit organization that conserves at least one, and not all, of a specified statutory list of game mammals, birds and fish.

game and fish; trophies; enforcement (H.B. 2396) – Chapter 113 E

An emergency measure, effective April 14, 2011, that prohibits a person who has been assessed civil damages for a poaching violation from applying for or obtaining a new hunting or fishing license at specified times relating to the civil action and collection of damages. Requires Arizona Game and Fish Department employees and volunteers who work with children or vulnerable adults to have a fingerprint clearance card, and exempts the Arizona Game and Fish Commission from the state's rulemaking requirements for one year for specified purposes.

~~state highways; technical correction~~ (NOW: escort vehicle operation; exemption) (H.B. 2450) – Chapter 265

Allows the Arizona Department of Transportation to prescribe rules for escort vehicle operators who are licensed in other states so that they may perform traffic control in Arizona.

~~motor vehicle accidents; violations~~ (NOW: violations; motor vehicles; license suspensions) (H.B. 2523) – Chapter 286

SEE THE PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE.

public consignment auction dealers; definition (H.B. 2608) – Chapter 289

Effective October 1, 2011, provides for a licensing classification for entities that conduct live public auctions for the sale of vehicles by consignment. Public consignment auction dealers are neither required to sell vehicles with an implied warranty of merchantability, nor have the vehicles undergo emissions testing. Defines *public consignment auction dealer* and prescribes related requirements.

recreational off-highway vehicles (H.B. 2622) – Chapter 95

Modifies the definition of an *all-terrain vehicle* in the transportation statutes to include specifications for recreational off-highway vehicles (ROV). Specifies that an ROV weighs less than 1,800 lbs., is 64 or fewer inches in width and is equipped with a nonstraddle seat, steering wheel and nonhighway tires.

landowner prohibition of hunting; posting (H.B. 2623) – Chapter 202

Prescribes the criteria to establish criminal trespassing on private property, which a landowner does not wish to make available to hunting, trapping or fishing.

rental motor vehicles; surcharge (H.B. 2659) – Chapter 290

Specifies that a rental car company can use the five percent rental vehicle surcharge it collects to offset the vehicle license taxes for all Arizona-registered vehicles in its fleet, regardless of the jurisdiction in which those vehicles are located or rented.

environment; regulatory changes (H.B. 2665) – Chapter 291

Makes changes to existing regulatory inspection procedures for state permitting agencies and county air quality inspectors. Among its provisions, the bill: a) requires inspecting agencies to

provide the entity being inspected with all documents used to determine regulatory compliance; b) modifies the regulatory bill of rights in county air quality statutes to require reimbursement of fees and other expenses to a regulated entity that substantially prevails against a county in a court proceeding or administrative appeal; and c) requires county control officers to comply with existing state regulatory inspection procedures and to follow certain criteria when determining the frequency of emissions monitoring, sampling or quantification.

waste programs; general permits; fees (H.B. 2705) – Chapter 220

Authorizes the Arizona Department of Environmental Quality (ADEQ), through September 30, 2013, to establish new and existing fees for solid and hazardous waste management by rule. Prohibits ADEQ from raising fees after that date unless express statutory authority is given; fees must also be reviewed by the Joint Legislative Budget Committee. Retroactive to July 1, 2011, continues ADEQ's authority to charge current waste fee amounts through FY 2012.